

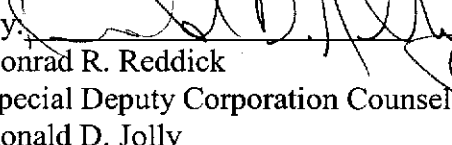
The ALJs' holding that the Commission's *Cass* order is not applicable to this case because the *Cass* case concerned a request made pursuant to FOIA is wrong. The strong presumption in Illinois law favoring public access to Commission records is analogous to the public access requirements under FOIA. The analysis adopted in *Cass* provides a sound structure for ensuring that the well-established presumption in favor of public access to Commission records is enforced.

For these reasons, the Commission should reaffirm its *Cass* analysis for evaluating requests for confidential treatment of documents. The Commission should order the ALJs to apply the test adopted in *Cass* to this case. The order also should require the ALJs to re-review – using the analysis mandated in *Cass* – the documents to which they have previously afforded confidential or confidential and proprietary treatment and grant such further relief that the Commission deems appropriate.

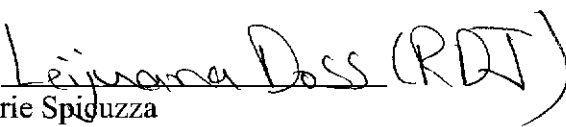
Dated: October 4, 2001

Respectfully Submitted,

City of Chicago
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Corporation Counsel

By: 
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COMMISSIONER

STATE OF ILLINOIS)
)
COUNTY OF COOK)

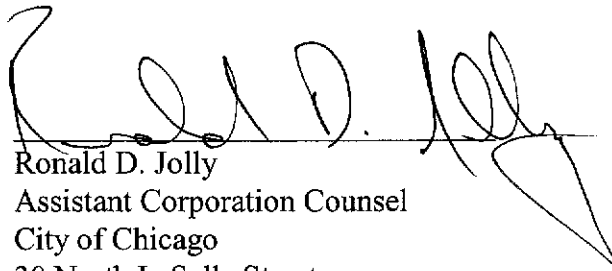
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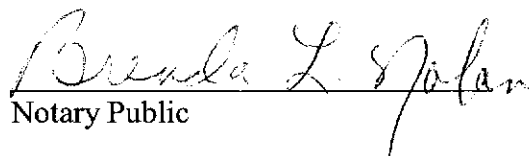
VERIFICATION

I, Ronald D. Jolly, being duly sworn, state that I have read the Governmental, Consumer, ARES Parties' Petition for Interlocutory Review of Administrative Law Judges' Ruling in Illinois Commerce Commission Docket 01-0423, and that the contents therein are true and accurate to the best of my belief and knowledge.



Ronald D. Jolly
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SUBSCRIBED AND SWORN to before me, a Notary Public, on this 4th day of October
2001.


Notary Public